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September 15, 2008

Via ECF

The Honorable Jeremy Fogel
U.S. District Court
280 S. First Street
San Jose, CA 95113

Re: U.S. v. Bernadette Escue
U.S.D.C. (San Jose) No. CR-07-00610 JF
[Hearing: October 1, 2008 at 10:00 a.m. (restitution determination)]

Dear Judge Fogel:

Regarding the hearing scheduled for October 1, 2008 at 10:00 a.m., at which the Court will further address issues concerning restitution, I write to inform the Court of an extension of the filing date for the declaration to be submitted by Huron Consulting Group (“Huron”), and to note how that might affect the filing of any responsive declaration, and the hearing.

As you know, at the September 3 hearing we established a further schedule for the restitution hearing, by which Huron, through the Government, would submit a declaration by September 17, I would file any responsive declaration by September 24, and the hearing would proceed on October 1. I spoke last Friday with AUSA Joe Fazioli, and today with Tony West, counsel for Huron. I agreed today to Mr. West’s request for a one-week extension of his filing date, noting that that extension might affect my ability to submit a written declaration in advance of the October 1 hearing, and that I and my expert might therefore need to address the issues at the hearing itself without filing a responsive declaration in advance. I then spoke with Mr. Fazioli, noting the same. He and I agreed to this, with the further agreement that he and I would speak on the telephone on Monday, September 29, in advance of the hearing, and that we will maintain the October 1 hearing date, unless the Court wishes to proceed in another fashion.

Sincerely,

/S/

Mark R. Vermeulen

cc: D. Anthony West, Esq. (via email)
Lori Timmons, U.S. Probation Office (via email)